

HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal No. 950 of 2005

CORAM: Hon'ble Shri S.R. Nayak, CJ  
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

- Appellants
- : 1. Brijmohan Das S/o Late Bandhandas, aged about 45 years.
  - : 2. Chandrika Bai W/o Brijmohan Das, aged about 40 years.
  - : 3. Ku. Roshani D/o Brijmohan Das, aged about 13 years.
  - : 4. Ajit Das S/o Brijmohan Das, aged about 10 years.
  - : 5. Satyaprakash Das S/o Brijmohan Das, aged about 5 years.
  - : 6. Ku. Pushpanjali D/o Brijmohan Das, aged about 3 years.

Appellants No.3 to 6 are minors through their natural guardian father Brijmohan Das S/o late Badhandas.

All are R/o Village Salkanawagaon, P.S. & Tahsil Kota, Distt. Bilaspur (C.G.)

Versus

- Respondents
- : 1. Rajendraprasad Dwivedi, S/o Rampyare Dwivedi, aged about 28 years, R/o Mazganwa, P.S. Naigarhi, Distt. Rewa (M.P.) At present Vyapar Vihar, M.P. Complex, P.S. Tarbahar, Bilaspur, Tahsil & Distt. Bilaspur.
  - : 2. Bholaprasad Sharma, S/o Mahavir Prasad Dubey, Aged about 42 years, (Owner of Vehicle Ashish Travels) R/o New Bas Stand, Bilaspur (C.G.) and Vyapar Vihar, M.P. Complex,

P.S. Tarbahar, Tahsil & Distt.  
Bilaspur (C.G.)

3. The Oriental Insurance  
Company Ltd., Divisional Office,  
Sakin-In Front of High Court,  
Bilaspur, Tahsil & Distt.  
Bilaspur (C.G.)

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Shri Manoj Mishra, Counsel for the appellants.

Shri Ali Asgar, Counsel assisted with Shri Prashant Jaiswal, Sr.  
Couner for respondent No.3.

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ORAL ORDER

(Passed on 2<sup>nd</sup> January 2006)

The following oral order of the Court was passed by  
S.R.NAYAK, C.J.

1. Although it was contended by the learned counsel for the appellants that the Motor Accidents Claims Tribunal (M.A.C.T.) is not justified in taking the income of the deceased at notional rate of Rs.15,000/- per annum, because, he was selling bakery products and earning Rs.100 - 200/- per day, the above contention is not acceptable to us. The above plea taken by the appellants-Claimants is not substantiated by the claimants by adducing evidence.
2. It was next contended by the learned counsel for the appellants that what is awarded towards loss of love and affection is on lower side. It was also contended that M.A.C.T. is not justified in not awarding any compensation towards loss of estate. We find force in the contention.
3. Having regard to place and time of the accident, we think it just and reasonable to award a sum of Rs.25,000/- towards loss of love and affection. We further award a sum of Rs.25,000/- towards 'loss of estate'.

4. The impugned award shall stand modified in terms of the above direction and in all other respects, the impugned award shall unaltered. No costs.

Sd/-  
Chief Justice

Sd/-  
Dilip Raosaheb Deshmukh  
Judge

Anjani